



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 22-01926
)
Applicant for Security Clearance)

Appearances

For Government: Jeff A. Nagel, Esq., Department Counsel
For Applicant: *Pro se*

08/22/2024

Decision

HARVEY, Mark, Administrative Judge:

Guideline F (financial considerations) security concerns are mitigated. Eligibility for access to classified information is granted.

Statement of the Case

On January 24, 2022, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On March 8, 2023, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudication Services (CAS) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and Security Executive Agent Directive 4, establishing in Appendix A, the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2) On April 12, 2023, Applicant provided a response to the SOR, and he requested a hearing. (HE 3)

The SOR detailed reasons why DOHA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the

SOR set forth security concerns arising under Guideline F. (HE 2) On January 8, 2024, Department Counsel was ready to proceed. On January 18, 2024, the case was assigned to me. On January 29, 2024, DOHA issued a notice setting the hearing for March 29, 2024. (HE 1A) On March 5, 2024, DOHA issued an amended notice setting the hearing for April 26, 2024. (HE 1B) On March 27, 2024, DOHA issued an amended notice setting the hearing for April 29, 2024. (HE 1C) On April 29, 2024, DOHA issued an amended notice setting the hearing for May 16, 2024. (1D) The hearing was held as scheduled on May 16, 2024, using the Microsoft Teams video teleconference system. Applicant requested the delays to enable his spouse to attend the hearing, and she had recurring medical problems.

During the hearing, Department Counsel offered six exhibits into evidence, and Applicant offered 25 documents into evidence. (Tr. 21-23; GE 1-GE 6; Applicant Exhibit (AE) A-AE Y) There were no objections, and all proffered exhibits were admitted into evidence. (Tr. 23)

On May 30, 2024, DOHA received a copy of the transcript. The record was scheduled to close on June 20, 2024. (Tr. 45, 77, 86, 96) Applicant received an extension to submit documentation to August 16, 2024. He submitted 18 post-hearing exhibits, which were admitted without objection. (AE Z-AE QQ)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.a, 1.b, 1.c, and 1.g. (HE 3) He partially admitted the SOR allegations in ¶¶ 1.d, 1.e, 1.h, and 1.i. (HE 3) He denied the allegations in SOR ¶¶ 1.f, 1.j, 1.k, 1.l., and 1.m. (HE 3) He also provided mitigating information. (HE 3) His admissions are accepted as findings of fact.

Applicant is a 47-year-old instructor for a DOD entity. (Tr. 8, 17) In 1995, he graduated from high school. (Tr. 8) In 2016, he received two associate degrees in instructor methodology and aviation operations. (Tr. 8) He served in the Air Force from 1999 to 2021, and he honorably retired as a technical sergeant (E-6). (Tr. 9; AE Y) His specialty at the end of his active-duty career was flight engineer. (Tr. 9) He was deployed during his career to Iraq and Afghanistan. (Tr. 10) He received six air medals. (Tr. 11; AE Y) He married his spouse in 1999, and his children are ages 18 and 20. (Tr. 12)

Applicant's monthly Air Force retirement pay is \$2,600; he has a 90 percent disability rating from the Department of Veterans Affairs (VA), which pays about \$2,400 monthly (VA); and he receives about \$4,500 monthly for pay as a DOD contractor. (Tr. 61-62) His spouse receives about \$1,450 monthly for Social Security disability. (Tr. 62-63) Their gross monthly income before taxes was about \$10,000 to \$15,000 until January 2024. (Tr. 63; see tax Table on page 3, *infra*) In January 2024, he began working for a new company, and his gross annual pay is now \$166,400. (Tr. 68-69)

Financial Considerations

Applicant's spouse handled the family finances and paid their bills during their marriage until September 1, 2019. (Tr. 34-35) On September 1, 2019, she was in a car accident, and she subsequently has had serious medical problems. (Tr. 18-19, 37-38) Applicant and his spouse had an excellent credit score before her accident. (Tr. 43, 88) She described her injuries as follows:

I had a frontal lobe traumatic brain injury, multiple rib fractures, lacerated spleen, softball-sized hematoma on my right shin and leg. Pretty much a softball-sized hematoma on my left cheek, on my face, neck injuries. My left toe and my right ear had injuries that required surgical repair. Then I had injuries I think I said to my neck already and my low[er] back. And then just terrible bruising in the pelvic area and my chest I'm assuming from the seat belt. (Tr. 37)

Applicant's spouse's traumatic brain injury affected her short-term memory. (Tr. 36) She had seizures and "fractured her T-spine in multiple places." (Tr. 36) She has chronic back pain. (Tr. 37) She was hospitalized after the accident for seizures and infections. (Tr. 38; AE A-AE F) She was unable to drive or to continue working outside their home. (Tr. 19, 39) Applicant drives her to appointments; he is her caregiver; and he assists her with the activities of daily living. (Tr. 41) They have ongoing medical expenses. (Tr. 47) Some are covered under Tricare, and some are not. (Tr. 46-47)

Applicant's income from his federal income tax returns is summarized in the following table. (AE CC; AE OO) Numbers are rounded to the nearest \$1,000 for reasons of privacy.

Tax Year (TY)	Date Tax Return Prepared	Wages	IRA Distribution	Adjusted Gross Income
2019	June 1, 2020	\$50,000	\$21,000	\$72,000
2020	May 8, 2021	\$53,000	\$4,000	\$57,000
2021	April 15, 2022	\$62,000	\$0	\$85,000
2022	July 8, 2024	\$73,000	\$0	\$136,000
2023	July 8, 2024	\$126,000	\$0	\$173,000

Applicant owed \$9,224 when he filed his federal income tax return for TY 2023. On August 12, 2024, he indicated his accountant sent correspondence to the Internal Revenue Service (IRS) to contest part of the tax bill and to begin to establish a payment plan. (AE PP) On August 14, 2024, the IRS established a \$250 monthly payment plan with the first payment due October 5, 2024. (AE PP) He explained the late filing of his TY 2022 federal income tax return as follows:

The reason [my TY 2022 federal income tax return was] late is in April of 2023 [my spouse] passed out and broke her ankle. I was in [a different state from her] for work at the time. When I did get home, I wasn't concerned with

the taxes due to her condition. Then [in 2024] she was in [a different state from Applicant] from February until May for two surgeries. . . . [Filing his TY 2022 federal income tax return] wasn't a first thought due to her being in [the] hospital, having hardware installed in her ankle, and the rehab facility after. It was just a lot happening, and I was focused on her. (AE OO)

Applicant was deployed in 2019 when his debts became delinquent. (Tr. 80) In 2022 and 2023, he maintained households in two different states. (Tr. 83-84; AE BB; AE KK) In October 2022, Applicant received financial counseling. (Tr. 50-53) He generated a budget. (Tr. 50-53) His budget indicates under "Other Personal Loans: \$2,672" and this expenditure is not defined. (AE GG) According to his budget, his monthly remainder after paying expenses and debts is \$1,029. (AE GG)

The SOR alleges 13 delinquent debts totaling \$103,411, and their status is as follows:

SOR ¶¶ 1.a and 1.c allege Applicant has two charged-off debts owed to a savings bank for \$29,215 and \$14,258. In his April 12, 2023 SOR response, he said he planned to enter into a settlement agreement in about one or two years for \$19,564 and have the debt paid within three years. (HE 3) At his hearing, he said he had been in contact with the creditor, and he intended to pay the debt as soon as he was able to do so. (Tr. 70) On July 2, 2024, the collection agent for the creditor agreed to accept 12 monthly payments of \$1,630 starting on August 15, 2024. (AE AA; AE JJ) He made the first \$1,630 payment to address the debts in SOR ¶¶ 1.a and 1.c in August 2024. (AE TT)

SOR ¶¶ 1.b and 1.g allege Applicant has two charged-off debts owed to a bank for \$18,842 and \$4,773. In his April 12, 2023 SOR response, he said he planned to enter into a settlement agreement in about one year for the combined debt for \$23,615, and he intended to have the debt paid within one year of the agreement. (HE 3) At his hearing, he said he had been in contact with the creditor, and he intended to pay the debt as soon as he was able to do so. (Tr. 70-71, 74) On July 30, 2024, the creditor agreed to a \$10,000 settlement of the \$18,843 balance with monthly \$278 payments from June 2024 to February 2026. (AE FF) He made the first monthly payment of \$278. (AE FF) On July 30, 2024, the creditor agreed to a \$2,500 settlement of the \$4,774 balance with monthly \$104 payments from July 2024 to January 2026. (AE FF; AE JJ) He made the first monthly payment of \$104. (AE FF; AE JJ)

SOR ¶ 1.d alleges Applicant has a charged-off credit card debt for \$12,060. In his April 12, 2023 SOR response, he said he had a settlement agreement from the creditor for \$3,015, and he planned to pay the debt in three months. (HE 3) On January 27, 2024, the creditor issued a payment agreement in which Applicant was scheduled to pay \$256 monthly for 12 months. (AE DD) From February 2024 to July 2024, he made the first six \$256 payments. (AE DD) This debt is in an established payment plan.

SOR ¶ 1.e alleges Applicant has a charged-off debt owed to a bank for \$9,628. In his April 12, 2023 SOR response, he said he had a settlement agreement from the creditor for \$3,371, and he planned to pay the debt in October 2023. (HE 3) At his hearing,

Applicant said he believed he had an agreement and was planning to resolve this debt. (Tr. 73) In June 2024, the collection agent for the creditor said the debt for \$9,359 could be settled for \$6,566 with monthly \$270 payments from July 2024 to May 2026. (AE EE) Applicant made \$270 payments in July and August 2024. (AE EE) This debt is in an established payment plan.

SOR ¶ 1.f alleges Applicant has a debt placed for collection for \$7,170. In his April 12, 2023 SOR response, he said the debt was paid on October 17, 2022. (HE 3) His credit report indicates the debt is paid. (Tr. 74; GE 5)

SOR ¶ 1.h alleges Applicant has a charged-off debt owed to a bank for \$3,094. In his April 12, 2023 SOR response, he said he had a settlement agreement from the creditor for 12 monthly payments of \$129, and he planned to accept the settlement agreement. (HE 3) On December 31, 2021, the creditor issued an IRS Form 1099-C, Cancellation of Debt, for \$3,094. (AE P) The \$3,094 was included in income on his federal income tax return. (Tr. 82; AE CC) This debt is resolved.

SOR ¶ 1.i alleges Applicant has a charged-off credit card debt for \$2,990. In his April 12, 2023 SOR response, he said he had a settlement agreement from the creditor for three payments of \$299, and he planned to accept this settlement agreement in July 2023. (HE 3) Applicant made \$87 monthly payments from July 2023 to May 2024, and the creditor wrote the balance owed is \$0. (AE N; AE HH) This debt is resolved.

SOR ¶ 1.j alleges Applicant has a debt placed for collection for \$960. In his April 12, 2023 SOR response, he said he paid the debt on October 18, 2022. (Tr. 78; HE 3) On December 7, 2022, the collection agent for the creditor said the debt has a \$0 balance, and the debt was paid in full. (AE K; AE L; AE NN) This debt is resolved.

SOR ¶ 1.k alleges Applicant has a charged-off debt owed to a bank for \$157. In his April 12, 2023 SOR response, he said he paid the debt on October 18, 2022. (Tr. 78; HE 3) His April 25, 2024 credit bureau report (CBR) shows "Paid Charge Off." (AE NN at 9) This debt is resolved.

SOR ¶¶ 1.l and 1.m allege Applicant has two medical debts placed for collection for \$156 and \$108. In his April 12, 2023 SOR response, Applicant said he is attempting to verify these two debts. (HE 3) At his hearing, he said he was unable to verify the debts. (Tr. 79) These two debts are not shown on his April 25, 2024 CBR, and he is credited with mitigation of these two debts. (AE NN)

On October 18, 2022, Applicant's spouse received a lump sum payment from Social Security for disability of \$30,000. (AE MM) They paid the debt in SOR ¶ 1.f for \$7,170 and a non-SOR debt owed to the same creditor for \$3,124. (AE MM) In October 2022, the Social Security funds were used to pay a non-SOR furniture debt for \$1,458 and SOR ¶¶ 1.j and 1.k debts for \$960 and \$157. (AE MM)

In addition to the five above listed debts that were paid using Social Security back pay, Applicant paid for a two-month supply of his spouse's medication, which cost \$9,600.

Tricare approved the medication in December 2022, and Applicant currently pays the first \$3,000 every year for prescriptions. (AE MM) Applicant purchased a new bedroom set for his son for \$6,000, which Applicant considered a necessity. (AE MM) Applicant did not indicate whether Tricare reimbursed his payment of \$9,600 after determining the prescription drug was medically necessary.

Applicant and his spouse decided to use the “snowball method” of paying their debts. (Tr. 46, 53-54; AE JJ) They focus on paying one debt at a time. (Tr. 46) They start with the smallest debts first. They should have all of their delinquent debts paid in two to four years. (Tr. 55) Their current living expenses are being paid as they occur. (Tr. 44) On June 28, 2024, Applicant paid a lease agreement \$2,320, and the debt has a zero balance. (AE LL) The lease was necessary because the family had two households. Applicant’s April 25, 2024 CBR report shows numerous accounts with “pays as agreed status.” (AE NN)

The following table shows the funds paid to address his SOR debts in 2024. From January 2024 to July 2024, he paid \$2,623 to address his SOR debts or a monthly average of \$375 for those seven months. According to his payment plans, in August 2024, he is scheduled to increase his monthly payments to \$2,538 to address the following SOR debts: 1.a and 1.c (\$1,630); 1.b (\$278); 1.d (\$256); 1.e (\$270); and 1.g (\$104). He made the first \$1,634 payment to address the debt in SOR 1.a and 1.c. (AE QQ)

Month	Payment	SOR ¶	Payment	SOR ¶	Payment	SOR ¶	Payment Total
Jan. 2024					\$87	1.h	\$87
Feb. 2024	\$278	1.b	\$256	1.d	\$87	1.h	\$621
Mar. 2024			\$256	1.d	\$87	1.h	\$343
Apr. 2024			\$256	1.d	\$87	1.h	\$343
May 2024			\$256	1.d	\$87	1.h	\$343
June 2024			\$256	1.d			\$256
July 2024	\$270	1.e	\$256	1.d	\$104	1.g	\$630

Character Evidence

Seven friends and coworkers made statements on Applicant’s behalf. (Tr. 26-32; .AE R-AE X) The general sense of their statements is that Applicant is diligent, honest, dependable, trustworthy, and responsible. He is sincerely interested in establishing his financial responsibility.

Applicant has received the following awards: Air Medal with six Oak Leaf Clusters (OLC); Air Force (AF) Commendation Medal; Meritorious Unit Award with three OLCs; AF Outstanding Unit Award with Valor Device with four OLCs; Combat Readiness Medal with four OLCs; AF Good Conduct Medal with five OLCs; National Defense Service Medal; Armed Forces Expeditionary Medal; Afghanistan Campaign Medal with one Service Star; Global War On Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Nuclear Deterrence Operations Service Medal with one OLC; AF Expeditionary Service Ribbon with Gold Border with three OLCs; AF Longevity Service

with four OLCs; AF Special Duty Ribbon; USAF NCO PME Graduate Ribbon with one OLC; Small Arms Expert Marksmanship Ribbon (Pistol); AF Training Ribbon; and NATO Medal with one Service Star. (AE Y) He also completed multiple AF training courses. (AE Y)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria

listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; and "(c) a history of not meeting financial obligations." In ISCR Case No. 08-12184 at 7 (App. Bd. Jan. 7, 2010), the Appeal Board explained:

It is well-settled that adverse information from a credit report can normally meet the substantial evidence standard and the government's obligations under [Directive] ¶ E3.1.14 for pertinent allegations. At that point, the burden shifts to applicant to establish either that [he or] she is not responsible for the debt or that matters in mitigation apply.

(internal citation omitted). The record establishes the disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*.

The financial considerations mitigating conditions under AG ¶ 20 which may be applicable in this case are as follows:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The

standard applicable in security clearance decisions is that articulated in *Egan, supra*. “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2 ¶ 2(b).

Circumstances beyond Applicant’s control adversely affected Applicant’s finances. His spouse was handling the family finances before her accident on September 1, 2019. They had a good credit score at that time; however, they had a heavy debt load. Her injuries in a vehicle accident were extraordinary. She was unable to work and had significant medical expenses. Her income was no longer a part of their financial resources. The SOR lists 13 delinquent debts totaling \$103,411. Applicant paid the four SOR debts in ¶¶ 1.f, 1.i, 1.j, and 1.k. The creditor cancelled the debt in SOR ¶ 1.h and issued an IRS Form 1099-C. Applicant was unable to locate the two medical debts under \$200 each in SOR ¶¶ 1.l and 1.m, and those debts do not appear in his most recent credit report of record. He is making payments on the four SOR debts in ¶¶ 1.a, 1.c, 1.d and 1.e. He has payment plans; however, he has not started to make payments addressing SOR debts in ¶¶ 1.b and 1.g.

A security clearance adjudication is not a debt-collection procedure. It is designed to evaluate an applicant’s judgment, reliability, and trustworthiness. See ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010). Applicants are not required “to be debt-free in order to qualify for a security clearance. Rather, all that is required is that an applicant act responsibly given his or her circumstances and develop a reasonable plan for repayment, accompanied by ‘concomitant conduct’ that is, actions which evidence a serious intent to effectuate the plan.” ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017) (denial of security clearance remanded) (citing ISCR Case No.13-00987 at 3, n. 5 (App. Bd. Aug. 14, 2014)). There is no requirement that an applicant make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in the SOR be paid first. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008).

Applicant received financial counseling and generated a budget. He has a payment plan, and an established history of paying his debts. All of his tax returns are filed, and he is working in good faith to resolve his tax debt for TY 2023. He has taken meaningful actions to address his debts. His credit report indicates he has several debts in paid or paid as agreed status, and he has an established track record of paying several debts. His history of making payments increases the confidence that he will make the promised payments in accordance with his payment plans.

Applicant has demonstrated a good-faith effort to resolve his debts. There are clear indications that his financial problems are being resolved and under control. His finances do not cast doubt on his current reliability, trustworthiness, and good judgment. AG ¶¶ 20(a) through 20(d) are established. Financial considerations security concerns are mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall common-sense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 47-year-old instructor for a DOD entity. In 2016, he received two associate degrees in instructor methodology and aviation operations. He served in the Air Force from 1999 to 2021, and he honorably retired as a technical sergeant. His specialty at the end of his career was flight engineer. He was deployed during his career to Iraq and Afghanistan. He received six air medals as well as numerous other Air Force awards. The general sense of the seven character statements is that Applicant is diligent, honest, dependable, trustworthy, and responsible. He is sincerely interested in establishing his financial responsibility.

Applicant's spouse handled Applicant's finances. He was frequently deployed or away from his family due to work requirements. She accumulated substantial debts; however, she successfully avoided defaulting on them. She suffered catastrophic injuries in a vehicle accident; she was unable to work; and in 2019, multiple debts went into default.

Applicant acted responsibly under the circumstances. He paid some debts, established payment plans on others, and is beginning payment plans on the last four delinquent debts in August 2024. He is acting in good faith with all of his creditors. He understands that he needs to pay his debts, and the conduct required to retain his security clearance. He was sincere and credible at his hearing. His progress resolving his SOR debts has established a "meaningful track record" of debt re-payment. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008). I am confident he will maintain his financial responsibility.

Applicant is advised that the grant of a security clearance now does not mean the Government is unable to check his credit and the status of his debts in the future. It is imperative that he continue his efforts to resolve his debts and maintain his financial responsibility.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No.12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated financial considerations security concerns.

Formal Findings

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraphs 1.a through 1.m:	For Applicant

Conclusion

I conclude that it is clearly consistent with the interests of national security of the United States to grant or continue Applicant's national security eligibility for access to classified information. Eligibility for access to classified information is granted.

Mark Harvey
Administrative Judge